IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 13554 of 2000

For Approval and Signature:

HON'BLE MR JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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DASHRATHBHAI RATNABHAI DESAI - Petitioner(s)

Versus

CANARA BANK & 2 - Respondent(s)

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Appearance :

MR TRILOK J PATEL for Petitioner No(s).: 1.

MR PF ADHVARYU for Respondent No(s).: 1, 2,3.

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CORAM : HON'BLE MR JUSTICE KS JHAVERI

Date : 04/08/2005

ORAL JUDGMENT

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1. By way of this petition, the petitioner has prayed for the following reliefs :-

A) “This Hon'ble Court may be pleased to issue a writ of mandamus or any other appropriate writ, order or direction,

directing the respondents, their agents and servants to absorb and confirm the petitioner on the post of Peon in the office of respondent no. 3 from January, 1997 and to pay him salary and wages accordingly with all consequential benefits and continuity of service from January, 1997.

B) Pending hearing and final disposal of this petition, this Hon'ble Court may be pleased to restrain the respondents their agents and servants from terminating the services of the petitioner.

C) Pending hearing and final disposal of this petition, this Hon'ble Court may be pleased to issue appropriate writ, order or direction protecting the services of the petitioner in the office of the respondent no. 3;

D) .....

E) .....

2. I have heard the learned counsel for the parties and perused the documents placed on record. The reliefs claimed by the petitioner cannot be granted by this Court. The appropriate remedy available to the petitioner is to prefer an application before the appropriate forum.

3. In above view of the matter, the petitioner shall be at liberty to prefer an application before the appropriate forum. Such application to be preferred within a period of two months from today. On receipt of such application from the petitioner, the appropriate forum is directed to consider and dispose of the same,

as expeditiously as possible and preferably within a period of two years from the date of making such application. With the above observations, the petition stands disposed of. Rule is made absolute to the aforesaid extent with no order as to costs.

[K.S. JHAVERI, J.]

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